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THE CATHOLIC AND POPULATION POLICY[†]

DEXTER L. HANLEY, S.J.*

TONIGHT I WISH TO address myself to one major question: Can a Catholic support governmental family-planning programs without in some way compromising the power and right of the Church to teach men right from wrong? You, who are familiar with present-day debates and discussions of population and public policy, realize how explosive is the question, how delicate the nuances presented, how imperative the demand for a solution. It is then with some trepidation that I address myself to this topic.

Let me outline the premises upon which my discussion—indeed the problem itself—is based.

First, there is a concern of international and national dimensions arising out of the effort to match resources with manpower and to distribute the advantages of a temporal prosperity. Our information comes from demographic sources and points out a three-fold problem: the need of food, the lack of resources, the difficulty of distribution even in an affluent society. In the world today, there are vast areas of malnutrition and pockets of starvation. In many places with a fast-growing population, minimal or subminimal caloric intake is predicted for years to come. Most of the nations of the world and most of its people find that every effort to build a higher standard of living is swallowed up in an increased population. Even the richest of countries finds that millions of its citizens are deprived of adequate education, opportunity, and a decent living—and the enormity and the complexity of the problems dwarf the attempts to improve the situation.

[†] An address before the Catholic Roundtable, Washington, D.C. April 1966.

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I shall not spell out the dire prophecies nor even quote from available statistics. This is the province of the sociologist and the demographer; their studies are available. Suffice it to say that the mass of independent information drives home both foreseeable limits upon resources and the challenge to the quality of daily living. There are threats of famine, of war, of declining standards, and of social disabilities brought about by a universally high birth rate.

There is a novelty, however, about this picture. True, the world has long known poverty, hunger, disease and a low standard of living. Yet in the past this has been due in most part to the inability of society to provide more than bare subsistence for its masses. Today this is not so. There is at hand the technical knowledge and the available skills to provide an abundance for all now living on the face of the earth. Yet, efforts are stymied by widespread, prevalent ignorance and inefficient and underdeveloped economies. Unless some way is found to harmonize our skills and resources with the education and development of all strata of society, the underprivileged of today will be condemned to be the parents of the underprivileged of tomorrow. Clearly, we have not yet found a solution. Money, food, technical advice alone are not enough either at home or abroad.

A second reason that these problems are new is that the population increase of modern times has been phenomenal. With lowered death rates because of better medical care and sanitation, the crude birth rate is for the first time becoming a fair measure of increased population.

Within a given period there is just so much that can be done to improve economic, social, and educational conditions. If a population increase outstrips this potential for improvement, then the problems will never be solved. In fact they will become worse, for what should be devoted to improvement must be redirected so as to assure at least the continued existence of those newly born.

Of course, in specific instances, the positions of demographers are open to challenge by others of equal knowledge. But the best available studies indicate a present and future problem of astounding dimensions. The very least that can be said is that the existence of a population problem is a reasonable assumption upon which this evening's discussion may proceed.

It should be noted, however, that these studies do not tell us what to do about the problem. Nor are they anything more than projections based upon present birth rates. They point out the mathematical fact that if present birth rates continue, resources and living space will be depleted. Perhaps more importantly they point out that today's growth is one factor which has made it difficult, if not impossible, to achieve economic and social development in many areas of the world.

My second premise is a religious principle: according to the theological, moral, and authoritative pronouncements of the Catholic Church, the only morally acceptable form of voluntary family regulation is through continence, either total or periodic. Now I realize as well as you that a papal commission has been established to study Church doctrine in relation to birth control; I know that the

Vatican Council, in speaking of the nobility of marriage and the family, has said that parents themselves must ultimately make a judgment in the sight of God as how best to fulfill their mission of transmitting human life and educating their children. In so doing, parents are to take into account both their own welfare and that of their children, both those already born and those whom the future may bring. They are to look to the material and spiritual conditions of their times and of their state of life. And, finally, they should consult the interests of the family group, of temporal society, and of the Church—all this from the Council.

Yet, the clear statements of Pope Paul and the exquisite care with which the Council avoided decisions on fundamental questions and its insistence on objective standards make it clear that in matters of private morality the Church's position has not been changed.

Perhaps it would interest you were I to enter into the speculations and debates on the question of private morality in the Church today: but I shall not. Indeed, if we are to study how to coordinate public policy and private morality, it is imperative that we assume that a conflict exists between the two. For, if the Catholic position at some later date were to be otherwise than I have outlined it, the problems of accommodating it to public policy would evanesce. Likewise, if there is no legitimate public concern over family regulation, then the government should stay out. The real challenge to democratic ideals is whether we can harmonize conflicting interests, not whether we can make all men agree. The basic issue then to which I am addressing my-

self is this: can a Catholic, believing that certain practices of birth regulation are immoral, still either permit or support governmental programs which are designed to meet the problems of population growth and which involve these forbidden practices? I believe the answer to this question is "yes." I also believe that the reasons for holding this position and the qualifications which are necessary are perhaps more important than the answer.

Let me then try this evening to show you why I maintain that an affirmative answer is consonant with the true notion of religious freedom, with the teachings of my Church, and with the principles of democratic government. This should be of equal interest to Catholic and non-Catholic alike, though for different reasons. For the Catholic it is a matter of his conscientious regard for his religious and civic obligations; for the non-Catholic it is the no less important question of assuring to his Catholic brethren full freedom of conscience.

The Catholic Church has made no definitive statements on matters of public policy in family planning. This is a matter for open public discussion. On June 23, 1964, Pope Paul VI reaffirmed the norms of private morality in saying: "No one should . . . for the time being take upon himself to pronounce himself in terms differing from the norm in force." His Holiness was not, however, addressing himself to political issues or to public morality. On his recent visit to the United Nations, the Pope indicated that man's concern should be for making the world's goods available to all men, rather than for limiting births. This expression

of charity and of love is not determinative of the Catholic position on governmental family-planning programs. The Vatican Council has said: "Public authority should regard it as a sacred duty to recognize, protect and promote the authentic nature [of the family], to shield public morality, and to favor the prosperity of home life. The right of parents to beget and educate their children in the bosom of the family must be safeguarded." But, as we shall see, this must be read in the context of religious liberty and of an understanding of the function of government.

The place of government in family planning has been dealt with on three occasions by the hierarchy of the United States. In 1959, the Bishops stated their opposition to any proposal the aim of which, either at home or abroad, is to promote artificial birth prevention, abortion, or sterilization whether through direct aid or by means of international organizations. In August of 1965, the Pennsylvania bishops and the Administrative Board of the National Catholic Welfare Conference issued a statement which presented legal arguments against proposed government action in this area. And on August 29, 1965, the Archbishop of Washington expressed strong disagreement with the governmental programs on the basis of moral law and constitutional law. Although none of these statements is a definitive Church statement, they are all entitled to the highest respect and careful consideration by American Catholics especially where they bear on the moral law.

In these statements the authority of the moral law is invoked primarily on questions of private morality, in teaching and

emphasizing the traditional norms of which I have spoken. Yet, if one disentangles the issue of public morality, it becomes clear that these statements either leave room for honest differences of opinion, or are based on private understandings of legal principles, or are directed to questions somewhat different from what I have proposed.

The most difficult statement to square with my position is the 1959 statement of the American hierarchy in opposition to any program to promote artificial birth prevention. I have always understood the words "to promote" as implying that the government itself supports artificial birth prevention as being moral, that is, as taking sides on a moral question. A brief reference to the history of the birth-control movement may make this clear. The early proponents of birth control were primarily engaged in selling a moral point of view. Of course, they were also engaged in an issue of civil rights inasmuch as they sought the overturn of those penal laws which forbade them to disseminate information. This latter battle finally culminated in the overthrow by the Supreme Court of the Connecticut Comstock Law. This decision has met with general acceptance and approval by Catholic commentators. But, if the government were now to step in and promote the moral philosophy of sexual freedom and of feminine emancipation from child bearing as originally conceived by the Birth Control League, it would, I suggest, clearly be taking sides in a religious and moral controversy. To this extent it would clearly be exceeding constitutional limits.

But I am suggesting that a meeting

ground can be found wherein the government does no such thing. Rather than promote a moral position, the government can be concerned with a social problem; rather than take sides, it can remain neutral. It is our modern understanding of the population problem which makes this possible. Let me try to make this clear by an example or two.

Let us suppose that a South American country, predominantly Catholic, among other means of meeting population pressures, decides to support the distribution of information on periodic continence or rhythm. Its purpose will be to meet the obligation which it has in common with all governments—to see to the temporal prosperity of its people. The means it chooses, namely the support of rhythm, is not improper. It is helping its citizens better to make a choice which, although personal, touches upon social needs. If it is attempting to promote anything, it is promoting that sense of responsible parenthood which takes into account social as well as family needs and of which the Vatican Council has spoken. Indeed, this governmental effort seems to me quite in accord with the Constitution on the Church in the Modern World promulgated on December 8, 1965, in what it says of family, the development of culture, economic and social life, the place of the political community.

I am suggesting that a South American government can properly enter upon such a program in the legitimate pursuit of social goals of health, welfare, and economic stability. Of course certain safeguards would be required, but if this thesis is correct it follows that it cannot be said

that government has no business in this area at all.

Now, if a South American country can establish tax-supported rhythm clinics without violating principles of public morality, what is to be said of the United States where there is no consensus on the private morality of birth control procedures? I suggest that it now becomes imperative to understand the basic notions of religious liberty, both in our American tradition and in official Catholic teaching. It has been over 400 years since the Wars of Religion tried to impose religious beliefs on fellow citizens. It was once thought that heresy or the refusal to accept the religion of the king was a social harm subjecting the dissident to fine, imprisonment, banishment. Now, we have come to learn that members of different faiths can live in civil harmony, that the right to profess religious truths is an important civic right, that the norm and measure of governmental conduct is the common good of society.

Whatever may be said of the South American attitudes toward family planning, in the United States there is no consensus about the morality of methods. Though all are agreed that responsible parenthood is a private right and social responsibility, there is no agreement about the methods which are morally acceptable.

In such a situation, it is clear that the government must be neutral. It cannot take sides. It cannot promote a Catholic viewpoint nor can it adopt the social, philosophical, or religious attitudes of the early promoters of birth control.

But what does neutrality really mean? Does this mean that the government can-

not pursue its own legitimate social aims? On the contrary, the government cannot abdicate its responsibility to seek out solutions for these pressing and explosive problems. In so doing, it must allow each citizen full freedom of choice; it must refrain from all coercion, direct and indirect. But neutrality is to be found in encouraging the free exercise of choice in these matters of public concern just as much as in running away from the problem.

Legitimate objections to government programs can be based only on an interference with one's own religious beliefs, or on a denial of the rights of others, or on a showing that such programs do not serve the common good.

Reflection on a few more points may show how even the direct support of a government program can be harmonized with Catholic teaching. Perhaps most important is the growing understanding that the Catholic position on private morality and birth control is fundamentally a religious position. The existence of debates, the creation of the special commissions, the discussions of the Council, the papal declarations about the difficulty of arriving at definitive answers—all these indicate that any definitive teachings will be ultimately rooted in the infallible teaching authority of the Church. Reason alone has not proved a clear guide. Present discussion in the Church will be resolved finally in a clarification of past teachings, or in a statement founded on the power to teach, or in a declaration of discipline.

Out of all this, one thing is clear and pertinent to our discussion. Lacking or rejecting the guidance of the Catholic Church, men, even those of utmost good-

will, can differ about these questions of private morality. Thus, the decisions reached by non-Catholics and by Catholics are religious decisions. Thus, as a matter of practical and political fact, neither position may be said to be right in the political order. And, just as we recognize religious freedom for theological convictions, we must grant civic freedom to moral convictions. Here, too, the common good is the regulating norm. This seems to be in accord with, though not required by, the Vatican Council's Declaration on Religious Freedom: "[N]o one is to be forced to act in a manner contrary to his own beliefs nor is anyone to be restrained from acting in accordance with his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits."

Another point: Present experimentation holds out promise that chemical means of effective regulation may be made morally acceptable. Suppose for a moment that such a means, morally acceptable to all, is found. Would it not be clear that government could aid families through this means to achieve responsible and uncoerced family planning so as to promote the legitimate social goals of good government?

I suppose the Catholic's greatest difficulty in accepting the general proposition of this evening's discussion grows out of his understanding of his obligations toward his neighbor. One cannot give scandal, in the sense that he cannot offer another the occasion for sin. Nor may he cooperate, that is, concur in the evil intention of another nor, as a general rule, aid him in the commission of a sinful act. Now, to the Catholic, many of the procedures

which the government will offer to the free choice of its citizens are sinful. How is he then to reconcile his own conscience, should he permit or support such programs? If he cannot, it will follow that Catholic support of government programs cannot be expected.

Now, first of all, the purpose of the government program must be made eminently clear. Should programs as a matter of fact be utilized to promote attitudes on private morality, Catholic opposition is justified. I do not suggest this will be an easy thing to avoid. It is no less difficult for the non-Catholic proponent of birth control to disentangle his religious and moral attitudes from today's legitimate social goals than it is for the Catholic. The modern problems which give a justification for government participation in family-planning programs and which have given rise to a sense of urgency cannot be used as gambits for the adoption of illegitimate programs. Thus great restraint and careful re-evaluation will be demanded from all, and many private programs existing today will have to be changed before they can properly seek government aid.

If one now assumes a purified and legitimate public purpose, the question of scandal and cooperation may be answered in the light of a statement already made: that decisions on private morality in the area of birth control are arrived at in good faith and are religious conclusions. When textbooks of Catholic moral theology speak of scandal and cooperation, they are generally concerned about formal sin on the part of one individual and about the direct act of another in private life. Very little guidance

is found in the complex area of public responsibility and civic obligation and still less when one's support of a civic program does not involve formal sin, but only a violation of an objective order recognized by faith. Thus, the Catholic can support government programs because of their legitimate social aims and because of the civic value of religious freedom and choice. In so doing he neither approves of what he thinks to be wrong nor does he support or in most instances give occasion to formal sin. In the language of the theologian, by his vote he gives remote cooperation to a program which itself is a material cooperation in private acts which for some will be objectively morally justified and for most others subjectively justified. That there may be some formal sin we may agree, but the Catholic's action, being remote and concerned with achieving legitimate social goals, does not offend against the love he must show his neighbor.

I have spent a great deal of time reconciling various elements of Catholic thought with a political position. I think this is important for all of us. Catholic participation is needed; programs developed without it can hardly help but be deficient. More important to many others who advocate these programs is their own conviction that the body politic will be best served if political programs preserve religious convictions. It would be a sad thing were massive programs to be imposed simply by majority fiat. The art of politics is to find ground for cooperation among dissidents, so far as possible.

In the desire to encourage this discussion and participation by Catholics, and

in the hope of allaying some unarticulated fears, I will address myself for a moment to my Catholic audience.

Religious and moral values are not irrelevant to the notion of good government and a good society, but they bear on our political decision only insofar as they affect the common good. This common good embraces economic and social values and religious freedom and public morality. But distinctions must be made between the functions of private morality and public morality. The distinctions are not always easy. Thus, I do not want a law which punishes every sinful uncharitable remark; yet, we approve of the law which forbids libel and slander. Government does not compel charity to one's neighbor; it does protect all citizens from some social discriminations based on creed or color.

These simple examples suffice to show us that moral obligations go far beyond the law. We must be careful not to view the law as the primary protector of these religious and moral values. Every time a group has tried to make the law such a protector, the question is rightly asked: whose religious and moral values? The real function of government is to create the conditions under which man can seek out and profess his own values. As the Vatican Council has said: "The complex circumstances of our day make it necessary for public authority to intervene more often in social, economic, and cultural matters in order to bring about favorable conditions which will give more effective help to citizens and groups in their free pursuit of man's total well-being."

We must constantly be alert to preserve this free pursuit, limited only by the

common good. We must never equate ignorance with virtue, or the incapacity to sin with sanctifying grace. We must not neglect our clear social obligations because of a fear that improved standards of living or the opportunity of free choice will destroy habitual patterns of Catholic conduct. We must not put limits on the ingenuity of others to solve social problems unless the common good itself is concerned.

Rather, while enmeshed in the complex programs of social reform, we must turn confidently to the power of the Gospel and of Church teaching to form and reform the hearts of men. We cannot neglect this obligation and hope that legal norms will hold fast for us. In matters of divorce, family life, obscenity, honesty in business, social responsibility, we must recognize that the power of God is mightier than the sanction of law. When moral convictions are not accepted as part of our social milieu, our first concern should always be: what are we going to do about it? Not, what is government going to do to protect me?

It is with this sense of confidence in the power of private action and with an appreciation of the function of secular government that a group of Catholics, about a year ago, drafted a statement of principles. This statement, released in August of 1965, had the signed support of laymen, priests, and a nun, lawyers, doctors, politicians, philosophers, sociologists, demographers, and others. In reflecting on it in preparing this talk, I have seen no need to revise it. The statement is as follows:

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POPULATION POLICY

(Continued)

1. In a legitimate concern over public health, education, and poverty, the government may properly establish programs which permit citizens to exercise a free choice in matters of responsible parenthood in accordance with their moral standards.

2. In such programs, the government may properly give information and assistance concerning medically accepted forms of family planning, so long as human life and personal rights are safeguarded and no coercion or pressure is exerted against individual moral choice.

3. In such programs, the government should not imply a preference for any particular method of family planning.

4. While norms of private morality may have social dimensions so affecting the common good as to justify opposition to public programs, private moral judgments regarding methods of family planning do not provide a basis for opposition to government programs.

5. Although the use of public funds for purposes of family planning is not objectionable in principle, the manner in which such a program is implemented may pose issues requiring separate consideration.

These opinions are submitted as being morally justified and in accordance with the traditional Catholic position on birth control. These opinions are expressed out of a concern for civil liberty and freedom, and are based upon respect for the sincere consciences of our fellow citizens in this pluralistic society.

